

**2. Title**

Utah and Weber Counties: Oxygenated Gasoline Program As a Contingency Measure.

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**

Section 211(m)(1) of the Clean Air Act required Utah County to implement an oxygenated gasoline program to bring it into attainment of the carbon monoxide National Ambient Air Quality Standards. Clean Air Act Section 175A(d) requires that maintenance plans assure prompt action to correct any violation of the standard that occurs after an area is redesignated to attainment and mandatory Clean Air Act requirements such as an oxygenated fuels program must be included as contingency measures. R307-301 remains in place in case the carbon monoxide health standard is violated in Provo or Ogden; in which case, an oxygenated gasoline program could be reinstated based on the trigger measures in State Implementation Plan (SIP) Subparts IX.C.6.e(5)(a) and IX.C.8.f.

**4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:**

R307-301 was amended once under DAR No. 26897, effective 05/18/2004. The following comments were received on this amendment: COMMENT 1: It seems to me that in order to make an educated decision, citizens need to be able to see what they are trading for approximately \$5 per winter. I believe that appreciable differences in air quality are worth much more than \$5/person each winter. (Myles Watson) *STAFF RESPONSE*: DAQ staff agrees. However, the difference is not appreciable. Carbon monoxide levels are approximately 4% lower with oxygenated gasoline, but that percentage is declining each year as more vehicles with advanced technology replace older vehicles. Projections for the future show that the federal health standard will be maintained without oxygenated gasoline for at least the next 10 years. The health standard is set at a level to protect public health. Thus, no health benefits are lost by ending use of oxygenated gasoline. COMMENT 2: ConocoPhillips is directly impacted by the current oxygenated gasoline requirements and the proposed changes. ConocoPhillips supports the State's request that EPA approve a new attainment demonstration and maintenance plan for Provo and redesignate Provo to attainment status for carbon monoxide. Removing the wintertime oxygenate requirement will give fuel suppliers additional flexibility which we all support. (letter, H. Daniel Sinks, Fuel Issues Advisor, ConocoPhillips) *STAFF RESPONSE*: Noted. COMMENT 3: Highland City wishes to express its support for the current action under consideration. With the proximity to Salt Lake County, it seems of dubious value to have a different kind of gas. As it appears that the air quality has improved it is time to make these changes. Our residents are excited about these changes and are encouraged that they may be coming sooner rather than later. (letter, Barry Edwards, City Administrator, Highland City) *STAFF RESPONSE*: Noted. COMMENT 4: Mountainland AOG is pleased with the progress of the redesignation request and Maintenance Plan and we look forward to the elimination of the oxyfuel provision for the next fall/winter season starting November

2004. We would like to thank the Division for the positive cooperation demonstrated throughout the preparation of this Plan and in particular we thank Bill Colbert for his personal helpfulness and professional coordination. (Susan Hardy, Air Quality Program Manager, Mountainland Association of Governments) STAFF RESPONSE: Noted. COMMENT 5: The member companies of the Utah Petroleum Association strongly support the Provo carbon monoxide plan and the deletion of the requirement for use of oxygenated gasoline in Utah County. Oxygenated fuels have served a valid purpose, but eliminating them will be a welcome relief to the petroleum industry. The inconvenience and added expense of producing and dispensing oxyfuel each winter has been a continuing concern for our industry. Our industry is proud to be a positive contributor in Utah's efforts to improve and maintain air quality. (Lee Peacock, president, Utah Petroleum Association) STAFF RESPONSE: Noted. COMMENT 6: With respect to the revised version of R307-301 "Utah and Weber Counties: Oxygenated Gasoline Program as a Contingency Measure" we are unsure of the State's intention. From EPA's perspective, this specific contingency measure rule language does not have to be adopted at this time for the maintenance plan. If the State decides to have the UAQB adopt this language, this revision does not need to be submitted to EPA. (letter, Richard Long, EPA Region 8) STAFF RESPONSE: Agree. In fact, there is no longer a need for the rule to be federally-enforceable at all. The letter to EPA requesting redesignation also will request that R307-301 be removed from the federally-enforceable SIP. OTHER COMMENTERS: Rep. David Cox, Lehi; AB Fredericks, Woodland Hills; Paul Jensen, Spanish Fork; Nellie Motes, Provo; Mrs. Paulsen, Payson; Kathy Jackson, Provo; Mr and Mrs Warren Johnson; Spanish Fork; Virl C Long, Provo; Jay Allen, American Fork; Terry Fredericks, Spanish Fork; J.J. Bird, Springville; R. Holley, Springville: The above commenters favored ending the oxygenated gasoline program, and expressed similar reasons, which are: 1) oxyfuel causes poor vehicle performance and reduces gas mileage; 2) oxyfuel doesn't really help the air quality; 3) it's unfair that other areas don't have to use oxyfuel as well as Utah County; 4) our smog blows in from Salt Lake; 5) it doesn't help here because so many people buy gas outside Utah County; and 6) it's harmful to human health. STAFF RESPONSE: If this Plan is adopted, use of oxygenated gasoline in Utah County will end, unless carbon monoxide levels again exceed the federal health standard. No other written comments were received about this rule since its last review.

**5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**

Section 211(m)(1) of the Clean Air Act required Utah County to implement a oxygenated gasoline program to bring it into attainment of the carbon monoxide National Ambient Air Quality Standards. Clean Air Act Section 175A(d) requires that maintenance plans assure prompt action to correct any violation of the standard that occurs after an area is redesignated to attainment and mandatory Clean Air Act requirements must be included as contingency measures. The oxygenated gasoline program is a contingency measure in case the carbon monoxide National Ambient Air Quality Standards (NAAQS) is violated in Provo or Ogden.

**6. key words:** air pollution control, motor vehicles, gasoline, petroleum

7. attach document.

Agency head or designee, and title

Date

M. C. King

1-17-07